App. F. IX-4

Previous References. 1943. (Legis) File No. 3-43
Serial Nos. 1

Later References.

(81)

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

The War Risks Goods Insurance (Amendment) Act 1943

To the compiler Mysore Gazette
No RL 140- Legis 3-43-1 dated 2-8-43
orders the publication of the Act in the Gazette

T. Venkatarangiya
9-43

War Risks (Goods) Insurance (amendment) ordinance 1943. - Re publication of

Continuation Sheet. Pk File No. 60/42-39 Current No. of 497/RL Pk 4294, 4495 Page.

57 Letter No. F 89 WO (4) W, 11.2.43 from the Residency. Invites attention of the Govt to the Govt of India's notification War Risks (Goods) Insurance (Amendment) Ordinance 1943

52 Letter No. 35 W.R.I (3) 43, 12.2.43 from the Joint Secy. to Govt of India forwarding a Copy of the amending legislation & requiring that any steps may be taken to enact the amending legislation on the lines indicated in the Statement in the Statement

1) The Statement showing the adaptations considered necessary forwarded by the Govt of India is for perusal. A Copy of the (Goods) Insurance Act 1943 is also placed in the file. The amending legislation as suggested may perhaps be enacted in the State. The Legislature Secretary however be consulted in the matter.

Pk 3/2/43 2) An amending act on the lines of the Govt of India amendment ordinance appears necessary. The Legislature may take steps to promulgate the same as a measure of emergency

Dev Secy

2/3/43

3) Draft Amendment Bill (Emergency measure) may please be put up.

Legn Secy

10/3/43

WD 1140—GPB—50,000—5-11-42

10.3.43

10.3.43

497/M.

War Risks Insurance Amendment Bill

Continuation Sheet. | File No. / Current No. | of | Page.

7077

GOVT DEV DEPT 12. MAR. 1943

SECY'L DEPT 10861 11-3-43

4) Draft of an amending Bill on the lines of the British Indian Ordinance VIII of 1943 is put up. The form suggested is for issue as an Emergency Act as directed by the Dev. Secy at para 3 above. The adaptation suggested & the formula of the Ordinance have been kept in view.

Dev Secy 11-1-3-43
12A-2c)

5) Secy 11.3.43
Law Secy)

6) Secy 11-3-43

Secy 11.3.43

Dev Secy

7) Submitted for approval. Council matter, may be disposed of by circular if approved.

OFFICE OF THE MINISTER FOR FINANCE & REVENUE 12 MAR 1943 No. 7893

8) 12/3/43
Dr 1/11, 7 & R
& Dewan)

9) Please see changes in blue pencil marked in the draft and see if they are in conformity with the structure and language of the Act

14/3/43

10) (Obtained the Dewan's instns.)

11) Please put up a draft letter to the C.S. 15/3/43 15/3/43

War Risks (Goods) Insurance (amendment)
Emergency Act 1943

4495

Continuation Sheet. File No. 60 Current No. 497/W of 42 Page.

12) Issue draft letter & submit.

WO
17/3/43

17 MAR 1943 CTT.

To: S. R. Zaman Esq. I.C.S.
Jt Secy. to G of I.

Forwards a copy of the draft amending Emergency Bill for amendment of the G of I D 6124/Emy dtd 19.3.43

13) Resubmitted as directed.

22.MAR.1943 7387

14) Refer: para 7 + 12

Dey Secy) 15) 19.3.43

19/3 16) Subs for formal after issue -

Dewan)

WO 22/3/43

17)

23/3/43

WO

24/3/43

No reply has been received to this office letter of the 19th March 43 to the Govt of India. Perhaps a reminder may be issued also. Put up for consideration.

17/4/43 19) Please put up by the end of this month.

(Letter not issued)

Reply since received on 16.4.43)

War Risks (Goods) Insurance (amendment)
Emergency Act 1943

4495 5674

Continuation Sheet. Dte File No. 60 / Current No. of 42 Page.

Letter No. 35 WRI (11) 42 dated the 12th April 1943 from the Joint Secy. to the Govt of India Deptt of Commerce suggesting certain amendment in the aft amendment Emergency Act 1943 & requesting that the Govt of India may be intimated by telegram as soon as the amendment Act is enacted

21) The Govt of India have suggested that in Sub Section (ii) of section 6 A of the draft (amending) Emergency bill (Placed in the the words "or an authority appointed by the Govt" may be inserted after the words "appeal against such determination to the Govt" in the sub section. This has been suggested by them to secure Provision for preferring an appeal to an authority other than the Govt appointed for the purpose. The Sub Section will the above addition read as follows:

24) "The Person against whom a determination is made under Sub Section (i) may within a Prescribed Period, appeal against such determination to the Govt or an authority appointed by the Govt whose decision shall be final

23) The suggestion of the Govt of India is for orders. 24) The suggestion may be accepted.

Dte 22/4/43

Refer paras 7-9.

(Dev Secy)

For 22/4/43

WD 1140/GPB—50,000—5-11-42

War Risks (Goods) Insurance (amendment) Emergency Act 1943 4495 5676

Continuation Sheet. DF File No. Current No. 60 of 42 Page.

Mini Edn

25/ C 25/4 TR 26/4

OFFICE OF THE MINISTER FOR ECONOMIC Date 26/4/43 No 2652

26/ Though the Govt of India may like the amending bill to be passed as an emergency measure, I think, considering the time that has already elapsed & the proximity of the recess & our legislature the bill may be passed into law in the ordinary way, permission being however taken, to promulgate it as an emergency measure, if necessary.

27/ Govt of India ordinance was issued in January last.

OFFICE 28 APR. 1943 No 8206

26/4

28/ MM 1/5/43 XX 1/5 2/5 3/5 TR 3/5

OFFICE OF THE MINISTER FOR ECONOMIC Date 3/5/43 No 381

In view of the minute at Para 26 above the word "Emergency" will have to be deleted in the draft bill put up by the Legl Secy. This may now be sent to the C.B. for immediate action. Refer paras 7-9

Submitted with a circulation Memo. Dr 1/5/43. MM 5/5/43

Dr 4/5/43 CB TR 4/5/43

0972—GPB—10,000 21-10-42

War Risks (Goods) Insurance (amendment) Act 1943

Continuation Sheet. Dft File No. 30 / Current No. of 42 Page. WRGS 5674

Draft of the D.F.N. Subtd.

Fair draft please. Also please keep a fair copy of the draft & Statt of Principles in the file.

12/5/43

18/5/43

DE. ... NO. 9544

D.F.N subtd for consideration

Draft of the Statement of principles to accompany is for approval

Dep. Secy) To 18/5/43

Min. Exn) Ce 13/5

CIRC... FOR ... Date 13.5.43 No. 689

To 18/5

F.N (in duplicate) is placed below. 14/5

14/5

S. N. submitted.

Ce 14/5

Dewan

Immediate. 4695

For Disposal by Circulation. **No. C. 1055**

of 1942-43.

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

The Mysore War Risks (Goods) Insurance (Amendment) Act 1943.

Circulated to the Council of Ministers.

By Order,

4th May 1943. *Chief Secretary to Government.* 5/5/43

7528/11.5.43 **Minister for Revenue and Law.** 11.5.

6419/6/5 **Minister for Public Works.** 6.5.43

9308/7/5 **Minister for Local Self-Government and Public Health.** 7.5.43

305/8.5.43. **Minister for Industries and Commerce.** 10/5

Minister for Education.

Dev Sec c/f cs

WD 02720—GPB—500—24-4-43

11/5/43

12/5 12/5

Final Note by the Minister for Education.

Subject.—

Promulgation of the Mysore War Risks (Goods) Insurance Amendment Act, 1943.

With the gracious assent of His Highness on the 7th January 1943, the War Risks (Goods) Insurance Emergency Act was passed into law and has since been published as Act VII of 1943.

The Government of India have effected certain amendments to their Act and have requested this Government to take necessary action to enact the amending legislation on the lines indicated by them.

In view of the proximity of the session of the Legislatures it is considered unnecessary to issue the amending enactment as an emergency measure. It is proposed to adopt the amendments as in the draft bill placed in the file and to proceed with the same in the usual course in the Representative Assembly and the Legislative Council at their ensuing session, obtaining, however, the gracious permission of His Highness to promulgate the bill as an emergency measure, if need should arise.

Para 28 + 0

The Dewan and the other Ministers have agreed to the above proposal. The gracious sanction of His Highness is solicited thereto.

B a n g a l o r e,
Dated, 14th May 1943.

Minister for Education.

Submitted to His Highness.

ಶ್ರೀ I submit herewith a Final Note by the Minister for Education on the subject of the amendment of the Mysore War Risks (Goods) Insurance Act, 1943, for His Highness's gracious sanction.

Bangalore,
14th May 1943.

N M S Rama Rau
DEWAN.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of the Mysore War Risks (Goods) Insurance Act, 1943.

No.833

Order.

VRN.
16/5/'43

Chief Secy
KE
21.5.43

WD
24/5/43

General and Revenue (31) C1055

Secretariat.

SUBJECT :—

Amendment of the Mysore War Risks (Goods) Insurance Act, 1943.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.
24/5/43

Through the Secretary to Government,

Development Department. 24/5

9996 / 26.5.43 — Minister for Revenue and Law. 26.5.43

6968 / 27/5 — Minister for Public Works. 27.5

9833 / 27/5 — Minister for Local Self-Govt. and Public Health. 27.5.43.

680 / 28.5.43 — Minister for Industries and ~~Commerce~~. 29/5

930 / 25/5/43. — Minister for Education. 25/5

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

(32) If appd Bill may now be laid on Table & Notice of Motion for further consideration

(33) [illegible] 31/5/43 [illegible]

(34) The Hon Secretary to Govt to move Bill before the RA and be in charge. The following Bill before Council for submission to the Hon Secy

Hon Secy Serv Supply Wlc — (35) 31/5/43

Hon Secy Legislative Office Action taken / further action

OFFICE OF THE SECRETARY
JUNE 1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

5/6/43.

Supd

(36) The principles of this Bill were introduced in the R.A. on 2nd June 1943 and approved by the House

(37) Orders of the Governor have been obtained in File No 688 for publication of the Bill under Rule 36 of the Mysore Legislative Rules, in the Mysore Gazette

No. BL 1110 dated 7th June 1943.

Directs the publication of the Bill in the Gazette

The War Risks (Goods) Insurance (Amendment) Bill

Continuation Sheet. File No. / Current No. 497/RL of Page.

orders have also been obtained in that file (688 RL) to include the following matters for the H.C. in the name of the Minister for Education

(1) Minister for Education to introduce the War Risks (Goods) Insurance (Amendment) Bill.

(2) Also to move that the Bill be taken into consideration by the Council

(3) Also to move that the Bill be passed.

JW
8/6/43
Sd/-

(3) The Bill was introduced in the Legislative Council at the recent Budget Session and passed by it on 5th July 1943.

Flag B (4) A copy of the Bill as signed by the president Legislative Council under Standing Order 44 of the Legislative Council Standing Orders is put up herewith.

(4A) Draft Notice of Motion for approval

JW 14/7/43 P/

(4B) Notice of Motion submitted for approval

BVN 14/7 (Seen RA-Le) 14.7.43

(4C) Notice of Motion approved

(4D) Notice of Motion handed over to Legislative Council Secretary

BKR 14.7.43

(4E) Duplicate Notice of Motion

Ge 14.7.43

J.N. places in file (4F)

BKR 15.7.43

15/7

WD 1140—GPB—50,000—5-11-42

SECRETARIAT (DEPT) 630 14/7/43 GOVT HOUSE

OFFICE OF THE MINISTER FOR EDUCATION Date 15.7.1943 No. 284

The Mysore War Risks (Goods) Insurance (Amendment) Bill

Continuation Sheet. File No. Current No. 491/M of Page.

(46) A.D.S.N. is put up herewith.

JN 16/7/43 BDN 16/7

(47) Sec 16.7.43 A.V.K.

(48) BKR 16.7.43

358

Dewan)

Final Note by the Minister for Education.

Subject.— Promulgation of the War Risks (Goods) Insurance (Amendment) Bill.

Hla. A. (49) On the 16th of May 1943, the gracious approval of His Highness was accorded to proceed with the Mysore War Risks (Goods) Insurance (Amendment) Bill in the Representative Assembly and the Legislative Council.

(50) The Bill was placed before the Representative Assembly during the last Budget Session and approved by that House. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it.

(51) A copy of the Bill as passed in the Council and signed by the President under Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

(52) The gracious sanction of His Highness is solicited to promulgate the Bill into law.

Bangalore,)
Dated, 15th July 1943.)

Minister for Education.

Submitted to His Highness

(53) I submit herewith a Final Note by the Minister for Education on the subject of the promulgation into law of the War Risks (Goods) Insurance (Amendment) Bill, for His Highness's gracious sanction.

N M Samadar

Bangalore,
16th July 1943.

D E W A N.

54

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 41
17.7.43

Subject.

Proposal to promulgate into law the War Risks (Goods) Insurance (Amendment) Bill.

No. 42

Order.

KW.
23/7/43

General and Revenue Secretariat.

493/M. C105.

SUBJECT:—

Proposal to promulgate into law the War Risks (Goods) Insurance (Amendment) Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders ~~before~~/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.
29/7/43

Through the Secretary to Government,

.....Law.....Department.

30.7-43

608 / 2/8 — Minister for Revenue and Law. 3/8/43

748 / 4/8 — Minister for Public Works.

1036 / 5/8 — Minister for Local Self-Govt. and Public Health. 6.8.43

655 / 6.8.43 — Minister for Industries and ~~XXXXXXX~~ Supplies. 11/8

63 (55) — 534 / 30/7 — Minister for Education. may be issued as Press circulars

Mr 2.V.

NOTE.--Contn. sheet

Law Secy a/c.

30.7.43

12-8-43

30.7.43

WD 02718—GPB—500—21-4-43

The War Risks (Goods) Insurance (Amendment) Act 1943

56) The gracious assent of His Highness the Maharaja was accorded on the 25th July 1943 to promulgate the Bill into law

(57) A draft G.O. directing the publication of the Act as Act No XXIII of 1943 is submitted for approval

(58) 31.7.43

SECY. LAW DEPT. 1092 31/7/43 GOVT OF MYSORE

31/7/43

(59) 31.7.43

(60) 31-7-43

(61) 31.7.43

The compiler, Mysore gazette No RL 140 Legis 3-43-1 dated 2-8-43 orders the publication of the Act in the gazette

62 Kind reference is invited to the minute of the Minister for Education at para 55 of the notes supra

63 The file is resubmitted for circulation as ordered therein

2-8-43

C.B.

64 The file is returned from C.B. after circulation

65 The Act has been published in Part IV of the Mysore gazette dated 5th Aug. 43.

I & C Branch to note and return the file to this Office

I & C Branch)

(Legis 68-42-1 file as cited + Secy Govt D.No 372)

67 For perusal

68 The file may perhaps be returned to Legis Secn after noting the Secn in the file Rpr & Secy.

Sd/- 8/11.

69 Refer Para 65—

The Registrar ✓

Sd/- 8/11

Legis Secn

Sd/- 10/11

OFFICE OF THE SECRETARY
10 ... 43
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

A copy of the Act is put up in the file. The file will be recorded if approved

24/12/11/43

Sd/- 12/11/43

A

24/12/11/43

OFFICE OF THE SECRETARY
12 NOV 1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Rc 60-42-39

From - The Secretary to the Hon'ble the Resident in Mysore.

To - The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

Memorandum No.F.89-40(4)/W. 4274

Bangalore, the 11th February 1943.

Attention is invited to the following:

(1) The War Risks (Goods) Insurance (Amendment) Ordinance, 1943 Ordinance No.VIII of 1943, published in the Gazette of India Extraordinary dated the 27th January 1943.

(2) The War Risks (Factories) Insurance (Amendment) Ordinance, 1943 - Ordinance No.IX of 1943, published in the Gazette of India Extraordinary dated the 27th January 1943.

Secrett Referals No 4274/W.

CHIEF SECRETARIAT 11 FEB 1943 GOVT. OF MYSORE.

for SECRETARY TO THE RESIDENT.

C.S.Rao

REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, JANUARY 27, 1943

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 27th January, 1943

ORDINANCE No. VII OF 1943.

AN

ORDINANCE

further to amend the Civil Pioneer Force Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary to correct an error occurring in the Civil Pioneer Force Ordinance, 1942 ; X of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Civil Pioneer Force (Amendment) Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 17, Ord. X of 1942.

2. In sub-section (*6*) of section 17 of the Civil Pioneer Force Ordinance, 1942, for the words and figures "the Code of Civil Procedure, 1908," the words and figures "the Code of Criminal Procedure, 1898," shall be substituted. X of 1942. V of 1908. V of 1898.

LINLITHGOW,
Viceroy and Governor General.

[*Price 1 anna.*

ORDINANCE No. VIII OF 1943.

AN

ORDINANCE.

further to amend the War Risks (Goods) Insurance Ordinance, 1940.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Goods) Insurance Ordinance, 1940, for the purposes hereinafter appearing ; IX of 1940.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5. c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the War Risks (Goods) Insurance (Amendment) Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 3, Ord. IX of 1940.

2. In section 3 of the War Risks (Goods) Insurance Ordinance, 1940 (hereinafter referred to as the said Ordinance),— IX of 1940.

(*a*) in clauses (*a*) and (*b*) of sub-section (*1*), the words " or in that part of the territory of the State of Cochin which lies within the port limits of the Port of Cochin and the municipal limits of the Municipal Committees of Ernakulam and Muttancheri " shall be omitted ;

(*b*) in sub-section (*2*), the words, brackets and figure " or in that part of the territory of the State of Cochin referred to in sub-section (*1*) " shall be omitted.

Amendment of section 5, Ord. IX of 1940.

3. In sub-section (*1A*) of section 5 of the said Ordinance,—

(*a*) the words, brackets and figures " or in that part of the territory of the State of Cochin referred to in sub-section (*1*) of section 3 " where they occur in sub-clause (*i*) and sub-clause (*ii*) of clause (*b*) and in clause (*c*), shall be omitted ;

(*b*) in clause (*c*) for the words " being shipped out of India " the words " such export " shall be substituted ; and

(*c*) after clause (*c*), the following clause shall be added, namely :—

" (*d*) to the undertaking by the Central Government, in relation to any person carrying

on business in British India as a seller of goods, of the liability of insuring such a person against war risks in respect of goods imported into British India through any port on the Continent of India, while such goods are situated at such port or are in transit from such port to a place in British India."

Insertion of new section 7A in Ord. IX of 1940.

4. After section 7 of the said Ordinance, the following section shall be inserted, namely :—

Recovery of premiums unpaid.

"7A. (*1*) Without prejudice to the provisions of sub-section (*2*) of section 7, where any person has failed to insure as, or to the full amount, required by this Ordinance, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(*2*) A person against whom a determination is made under sub-section (*1*) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final."

Amendment of section 9, Ord. IX of 1940.

5. In sub-section (*1*) of section 9 of the said Ordinance, after the words "set out in the Schedule" the following words and figures shall be inserted, namely :—

"or ordered to be paid under section 545 of the Code of Criminal Procedure, 1898, in any prosecution under this Ordinance,".

V of 1898.

Amendment of section 10, Ord. IX of 1940.

6. In sub-section (*1*) of section 10 of the said Ordinance, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the requirements of this Ordinance have been complied with" shall be substituted.

Amendment of section 11, Ord. IX of 1940.

7. Section 11 of the said Ordinance shall be renumbered as sub-section (*1*) of that section and the following sub-sections shall be added, namely :—

"(*2*) In any other case the Central Government may, at its discretion, order a refund to be made of any sum paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Ordinance.

(*3*) On and after the 1st day of October, 1940, no suit shall be maintainable in any civil court against the Central Government or

a person acting as agent of the Central Government under section 6 for the refund of money paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Ordinance."

Amendment of section 14, Ord. IX of 1940.

8. In sub-section (*2*) of section 14 of the said Ordinance, after clause (*d*) the following clause shall be inserted, namely :—

"(*dd*) the procedure in making determinations and in presenting appeals from determinations made under section 7A ;

LINLITHGOW,
Viceroy and Governor General.

ORDINANCE No. IX OF 1943.

AN

ORDINANCE

further to amend the War Risks (Factories) Insurance Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the War Risks (Factories) Insurance Ordinance, 1942, for the purposes hereinafter appearing ; XII of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 16 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the War Risks (Factories) Insurance (Amendment) Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 2, Ord. XII of 1942.

2. In section 2 of the War Risks (Factories) Insurance Ordinance, 1942 (hereinafter referred to as the said Ordinance), XII of 1942

(*a*) to clause (*a*) the words "and boundary walls" shall be added ;

(*b*) for clause (*i*) the following clause shall be substituted, namely :—

(*i*) 'property insurable under this Ordinance' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the War Risks (Goods) Insurance Ordinance, 1940, IX of 1940. all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power,

or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed ".

Amendment of section 3, Ord. XII of 1942.

3. In section 3 of the said Ordinance,—

(*a*) in sub-section (*4*), for clause (*b*) the following clause shall be substituted, namely :—

" (*b*) that in respect of each claim the insured shall bear twenty per cent. of the loss or damage, or such other amount as may be fixed, with reference to the insurable value of the property insurable, in accordance with the prescribed scale, whichever is the greater "

(*b*) in sub-section (*5*),—

(*i*) for clause (*a*) the following clause shall be substituted, namely :—

" (*a*) for undertaking in relation to works in course of construction which, when completed, will become factories, and such plant and machinery appertaining to such works as may be prescribed, the same liabilities as are undertaken by the Scheme in relation to factories " ;

(*ii*) for clause (*c*) the following clause shall be substituted, namely :—

" (*c*) that payments due under a policy of insurance issued at any time on or after the 29th day of May, 1942, under the Scheme may be postponed to any time before the expiry of one year from the date of the termination of the present hostilities, or, subject to payment of interest at the rate of two per cent. per annum from the expiry of the said year, to any later date " ;

(*c*) in sub-section (*6*), after clause (*c*), the following clause shall be added, namely :—

" (*d*) works in course of construction (whether construction was begun before or after the inauguration of the Scheme) which, when completed, will become factories, and subsequent additions to such works. "

Amendment of section 5, Ord. XII of 1942.

4. In section 5 of the said Ordinance,—

(*a*) in sub-section (*1*),—

(*i*) after the words " becoming a factory ", the following shall be inserted, namely :—

" or property becoming property insurable under this Ordinance " ;

(*ii*) after the words " become a factory ", the following shall be inserted, namely :—

" or the property becomes insurable under this Ordinance "

(*b*) to sub-section (*4*) the following words shall be added, namely :—

'and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure";

(*c*) after sub-section (*4*), the following sub-section shall be added, namely :—

"(*5*) Where any offence under sub-section (*4*) is tried by a Presidency-magistrate or a Magistrate of the first class, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Magistrate trying the offence may pass any sentence authorised by that sub-section." V of 1898.

Amendment of section 7, Ord. XII of 1942.

5. In sub-section (*1*) of section 7 of the said Ordinance, after the word "Schedule", the words and figures "or by way of expenses or compensation awarded by a Court, under section 545 of the Code of Criminal Procedure, 1898, out of any fine imposed under this Ordinance" shall be inserted. V of 1898.

Amendment of section 8, Ord. XII of 1942.

6. For sub-section (*1*) of section 8 of the said Ordinance the following sub-section shall be substituted, namely :—

"(*1*) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Ordinance has taken out a policy of insurance as required by this Ordinance in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Ordinance, or for the purpose of estimating the damage suffered by any property insured under this Ordinance,—

(*a*) require the owner or occupier of the property, or any person carrying on in British India the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

7. For section 10 of the said Ordinance the following shall be substituted, namely :— Substitution of new section for section 10, Ord. XII of 1942.

Recovery of premiums unpaid.

(*1*) Without prejudice to the provisions of sub-section (*4*) of section 5, where any person has failed to insure as, or to the full amount required by this Ordinance, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (*2*).

(*2*) Any instalment of premium due on a policy of insurance issued under the Scheme, and any amount determined as payable under sub-section (*1*) shall be recoverable as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(*3*) A person against whom a determination is made under sub-section (*1*) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final."

8. Section 13 of the said Ordinance shall be re-numbered as sub-section (*1*) of that section and the following sub-section shall be added, namely :— Addition of new sub-section to section 13, Ord. XII of 1942.

" (*2*) On and after the 29th day of May, 1942, no suit shall be maintainable in any civil court against the Central Government, or a person acting as its agent under section 4, for the refund of any money paid or purporting to have been paid as premium on a policy of insurance taken out or purporting to have been taken out under this Ordinance. "

9. (*1*) Section 14 of the said Ordinance shall be re-numbered as sub-section (*1*) of that section and in the section as so re-numbered for the words beginning with " from the provisions of section 5 " and ending with the end of the section the following words shall be substituted, namely :— Amendment of section 14, Ord. XII of 1942.

" from the provisions of this Ordinance requiring such factories or premises to be insured or to continue to be insured under this Ordinance ; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(*2*) To the said section as so re-numbered by the foregoing sub-section the following sub-section shall be added, namely :—

" (*2*) In granting any exemption under this section the Central Government may direct that the

exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

Amendment of section 15, Ord. XII of 1942.

10. In sub-section (*2*) of section 15 of the said Ordinance,—

(*a*) in clause (*b*) for the word "properly" the word "property" shall be substituted;

(*b*) after clause (*f*), the following clause shall be added, namely :—

"(*g*) prescribe the procedure in making determinations and in presenting appeals from determinations made under section 10."

Amendment of section 16, Ord. XII of 1942.

11. In section 16 of the said Ordinance,—

(*a*) for clause (*a*) of sub-section (*1*), the following clause shall be substituted, namely :—

"(*a*) the plant and machinery, whether above or below ground, appertaining to mines as defined in the Indian Mines Act, 1923, buildings appertaining to mines and within a radius of two miles from the mine excavation and, in relation to such plant, machinery and buildings, such materials above ground as would if the mine were a factory, be included in the term "property insurable under this Ordinance";

IV of 1923.

(*b*) in sub-section (*2*), for the words "to the manager of a mine for the purposes of the Indian Mines Act, 1923," the following shall be substituted, namely :—

"to the agent of a mine as defined in that Act; and in interpreting this Ordinance as applied by notification under any of the clauses of sub-section (*1*) 'property insurable under this Ordinance' shall be interpreted as meaning all property to which the Scheme is by the said notification declared to apply."

Addition of new section 18 to Ord. XII of 1942.

12. After section 17 of the said Ordinance, the following section shall be added, namely :—

Refund of insurance premiums.

"18. The Central Government may, in any case in which it thinks fit, allow a refund to be made of any sum paid by way of premium on a policy of insurance issued or purporting to have been issued under this Ordinance."

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

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4495

No.35-W.R.I.(3)/43.
Government of India.
Department of Commerce.

New Delhi, the 12th February 1943.

From

S.R.Zaman, Esquire, I.C.S.,
Joint Secretary to the Government of India,

To

All Participating Indian States.

Subject:- Insurance of goods against war risks.

Sir,

I am directed to say that the War Risks(Goods) Insurance Ordinance, 1940 of the Government of India has been amended by the War Risks(Goods) Insurance (Amendment) Ordinance, 1943 (No.VIII of 1943), which was published in the Gazette of India Extra-ordinary, dated the 27th January 1943. A copy of the Amendment Ordinance together with a statement showing what adaptations are considered necessary to make it suitable for issue by the State as their amending legislation is forwarded herewith and I am to request that if the State sees no objection, early steps may please be taken to enact the necessary amending legislation on the lines indicated in the statement.

2. Five copies of the amending legislation may please

be.....

be forwarded to this Department.

I have the honour to be,

Sir,

Your most obedient servant,

Joint Secretary to the Government of India.

No.35-W.R.I.(3)/43.

Copy with a copy of the statement forwarded to:-

The Political Department.) with the request that they may
The External Affairs Department.) kindly take necessary action for applying the Amendment Ordinance to the Administered Areas and the French Establishments in India respectively.

The Residents concerned.
The Special Officer, War Risks Insurance, Bengal/Madras/Bombay/Punjab/Sind/United Provinces/Central Provinces/and Bihar and Crissa.

By order, etc.,

12.2.43

Under Secretary to the Government of India.

'S.M.Ali'
"55-12-2-43-D"

12/2/43.

Annexure.

Adaption of the War Risks (Goods) Insurance (Amendment) Ordinance, 1943 (No.VIII of 1943) for Indian States

I. General changes. In all sections of the amending Ordinance that are retained, the following general changes will be necessary:

(1) Substitute references to "British India" by references to the "State concerned".

(2) Substitute references to the "Central Government" by references to the "Ruler" or the "Government" of the State concerned.

(3) Substitute references to the "Ordinance" wherever necessary, by references to the "Law" or "Act" or "Order" or "Regulation" or "Proclamation" as the case may be.

(4) References to numbers of "sections", "sub-sections" or "clauses" to be suitably altered, wherever necessary, to correspond to "sections", "sub-sections" or "clauses" of the main enactment of the State in respect of the insurance of goods against war risks.

II. The following are the details of the section-wise changes in the amending Ordinance to make it suitable for the Indian States. (The references below on the margin are to the preamble or section of the amending Ordinance of 1943 (No.VIII of 1943):-

Preamble. To be suitably modified.

Section 1. Only the general changes as indicated in para 1 above.

Sections 2 and 3. The State need not enact these sections.

Section 4. In sub-section (1) of the new section, the general change for "Central Government" indicated in para I above should not be made. Instead the words "the Government of the State or the Government of India" should be substituted for the words "Central Government" (subject to this remark) the general changes indicated in para I above will be made.

Section 5. The State need not enact this.

Section 6. Only the general changes as indicated in para I above.

Section 7 and 8. The State need not enact these sections.

'S.N.Ali' S. Ali

"55-12-2-43-D"

No. D 6124/E.W. one only

Dated 19th March 1943

To S R Zaman Esq
Jt Secy to the G.I
Comm. Dept

Subject: Insurance of goods against war risks.

Sir,

With reference to your letter No. 35-W.R. 1(3)/43 dated 12th February 1943, suggesting the issue, with necessary adaptations, of an amending legislation on the lines of Ordinance No. VIII of 1943, I am directed to state that the amount determined under the new Section 6 A, being recoverable as an arrear of land revenue, the steps necessary for the recovery of the amount have to be taken by our officers as provided in the Mysore Land Revenue Code. The matter dealt with in the amendment being more or less of an administrative character, it appears to this Government that a reference to the Government of India in either of the sub-sections of Sec. 6 A is unnecessary. This Government will always be glad to appoint the Officer or appellate authority suggested by the Government of India to exercise these powers under the Mysore Act, as they have done in the case of the appointment of the Special Officer, War Risks Insurance, Madras, to exercise certain powers in the State.

Sd. by Mr. V. Venkatasubbaiah

Enclosed is a copy of the amending (Emergency) Bill as proposed to be enacted by

by us, in the light of the above explanatory remarks. I am to request you to be so good as to communicate, if convenient by telegram, the concurrence of Government of India to the proposed draft of the amending Bill, so that necessary steps may be taken by us to issue the amending legislation as an emergency measure as early as possible.

I have &c

WG
17/3/43

A Bill
to amend

THE MYSORE WAR RISKS(GOODS) INSURANCE (~~AMENDMENT~~) ~~EMERGENCY ACT~~ 1943

& it is expedient

WHEREAS ~~the Government of His Highness the Maharaja is satisfied that circumstances exist~~ which render it ~~necessary to take immediate action~~ to amend the Mysore War Risks (Goods) Insurance Act 1943 (Act VII of 1943);

~~NOW THEREFORE in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act 1940~~;

It is hereby enacted as follows:--

Short title and commencement

1.(1) This Act may be called the Mysore War Risks (Goods) Insurance (Amendment) ~~Emergency~~ Act 194~~3~~.

(2) It shall come into force at once.

II. After section 6 of the Mysore War Risks (Goods) Insurance Act 1943 (hereinafter referred to as the said Act) the following section shall be inserted, namely:--

Inserting a new section 6A. in Act VII of 1943

"6A(i). Without prejudice to the provisions of sub-section (2) of section 6 where any person has failed to insure as, or to the full amount, required by this Act and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land revenue and shall be the first charge on the property in respect of which the default was made.

(ii) The person against whom a determination is made under sub-section (i) may, within a prescribed period, appeal against such

determination to the Government or an authority appointed by the Government whose decision shall be final."

III. In sub-section (1) of section 7 of the said Act, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the requirements of this Act have been complied with", shall be substituted.

Amendment of section 7, Act VIII of 1943

WO
17/3/47

THE MYSORE WAR RISKS (GOODS) INSURANCE (AMENDMENT) EMERGENCY ACT 1943

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore War Risks (Goods) Insurance Act 1943 (Act VII of 1943);

NOW THEREFORE in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act 1940;

It is hereby enacted as follows:-

I.(1) This Act may be called the Mysore War Risks (Goods) Insurance (Amendment) Emergency Act.

(2) It shall come into force at once.

II. After section 6 of the Mysore War Risks (Goods) Insurance Act 1943 (hereinafter referred to as the said Act) the following section shall be inserted, namely:-

"6 A(i). Without prejudice to the provisions of sub-section (2) of section 6 where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government or by the Government of India may determine the amount payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land revenue and shall be the first charge on the property in respect of which the default was made.

(ii) The person against whom a determination is made under sub-section (i) may, within a prescribed period, appeal against such determination to the Government of India, whose decision shall be final

III. In sub-section (1) of section 7 of the said Act, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the requirements of this Act have been complied with", shall be substituted.

MG

12/3/43

No.35-WRI(11)/42.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

New Delhi, the 17th April 1943.

From

S.R. Zaman, Esquire, I.C.S.,
Joint Secretary to the Government of India,

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Development Department,
Bangalore.

Subject:- Insurance of goods against war risks.

Sir,

I am directed to refer to your letter No.D.6124 dated the 19th March 1943 in which it has been stated, that the Government of Mysore would be glad to appoint the officer or appellate authority suggested by the Government of India to exercise the powers under the proposed section 6A of the draft Mysore War Risks(Goods) Insurance (Amendment) Emergency Act, 1943 and to say that in the opinion of the Government of India the proposed section will not achieve the object as no provision has been made therein for preferring an appeal to an authority other than the Government of the Mysore Darbar. The Government of India will therefore be glad if after the words "appeal against such determination to the Government" in sub-section (ii) of section 6A, the words "or an authority appointed by the Government" are inserted. I am to request that, if there is no objection, the necessary amendment may be carried out and an intimation sent to this Department by telegram as soon the amendment Act is enacted.

I have the honour to be,
Sir,
Your most obedient servant,

S.R. Zaman

Joint Secretary to the Government of India.

The Mysore War Risks (Goods) Insurance (Amendment) Bill.

Statement of Principles.

The scheme of the Government of India for the compulsory insurance, against war risks, of certain kinds of goods over a certain value, has recently been put into for in Mysore under the Mysore War Risks (Goods) Insurance Act 1943. Under this Act, failure to insure will entail a fine which may extend to Rs.1,000/- and ~~a further fine which may extend to Rs.1,000/- and~~ a further fine which may extend to Rs.500/- for every day of default after the first.

The corresponding British Indian Ordinance has been recently amended providing that, without prejudice to the penalty already prescribed, where a person has failed to insure as, or to the full amount, required by this Act and has thereby evaded the payment of any money which he would have had to pay but for such failure, an officer authorised in this behalf may determine the amount, the payment of which has been thus evaded. The amount so determined becomes recoverable as an arrear of land revenue, a right of appeal, however, being provided against such determination.

It has become necessary to effect a similar amendment in our Act and this Bill has accordingly been brought forward.

14/5.

A Bill

to amend the ~~Mysore~~ War Risks(Goods) Insurance (~~Amendment~~) Act, 1943.

Whereas it is expedient to amend the War Risks (Goods) Insurance Act, 1943;

It is hereby enacted as follows:--

Short title and commencement.

1. (1) This Act may be called the ~~Mysore~~ War Risks (Goods) Insurance (Amendment) Act, 194

(2) It shall come into force at once.

Insertion of a new section 6A in Act VII of 1943.

II. After section 6 of the ~~Mysore~~ War Risks (Goods) Insurance Act, 1943 (hereinafter referred to as the said Act) the following section shall be inserted, namely:--

"6A(i). Without prejudice to the provisions of sub-section (2) of section 6 where any person has failed to insure as, or to the full amount, required by this Act and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land revenue and shall be the first charge on the property in respect of which the default was made.

(ii). The person against whom a determination is made under sub-section (i) may, within a prescribed period, appeal against such determination to the Government or an authority appointed by the Government whose decision shall be final."

Amendment of section 7, Act VII of 1943.

III. In sub-section (1) of section 7 of the said Act, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the

10. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ತಿದ್ದುಪಡಿ ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ.

ಕೆಲವು ಬಗೆಗಳ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದ ನಷ್ಟ ಉಂಟಾದರೆ ಪರಿಹಾರದೊರೆಯುವಂತೆ, ಆ ಸರಕುಗಳು ಬೆಲೆಯಲ್ಲ ಫಲಾನಾವೊತ್ತವೆಂದು ಕ್ಲುಪ್ತವಾಗಿರುವ ಒಂದು ಮೊತ್ತಕ್ಕೆ ಮೀರಿದ್ದರೆ ಅವುಗಳನ್ನು ವಿಮೆ ಮಾಡಿರಲೇಬೇಕೆಂಬ ನಿರ್ಬಂಧವನ್ನು ಕಲ್ಪಿಸಿ ಇಂಡಿಯಾ ಸರ್ಕಾರದವರು ಒಂದು ಏರ್ಪಾಡನ್ನು ಮಾಡಿರುವುದು ಸರಿಯಷ್ಟೆ. ಅದೇ ಏರ್ಪಾಡನ್ನು ಇತ್ತೀಚೆಗೆ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿಯೂ ಜಾರಿಯಲ್ಲಿ ತರಲಾಗಿದೆ. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಅದು ಜಾರಿಗೆ ಬಂದಿದೆ. ಈ ಆಕ್ಟಿನ ಪ್ರಕಾರ ವಿಮೆ ಮಾಡಬೇಕಾಗಿದ್ದು, ವಿಮೆಮಾಡದೆ ತಪ್ಪಿದವರು, 1000 ರೂಪಾಯಿಗಳವರೆಗೂ ಹೋಗಬಹುದಾದ ಜುಲ್ಮಾನೆಯ್ದು ಶಿಕ್ಷಗೂ ಮತ್ತು ಮೊದಲನೆಯಸಾರಿ ತಪ್ಪಿದಮೇಲೂ ಸಹ ಪುನಃ ತಪ್ಪಿದ ಪ್ರತಿದಿವಸದ ವಿಷಯದಲ್ಲೂ 500 ರೂಪಾಯಿಗಳವರೆಗೂ ಹೋಗಬಹುದಾದ ಜುಲಾನೆಯ ಶಿಕ್ಷೆಗೂ ಗುರಿಯಾಗಲು ಬದ್ಧರಾಗಿರುತ್ತಾರೆ.

ಈ ವಿಚಾರದಲ್ಲಿ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದ ಕಾನೂನು (ಎಂದರೆ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ "ಆರ್ಡಿನೆನ್ಸ್") ಇತ್ತೀಚೆಗೆ ತಿದ್ದುಪಾಟಾಗಿದೆ. ಹೀಗೆ ತಿದ್ದುಪಾಟಾಗಿರುವ ಆ ಕಾನೂನಿನಲ್ಲಿ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಅದರಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರತಕ್ಕ ಪ್ರಕಾರ ವಿಮೆಮಾಡದೆ ತಪ್ಪಿದಲ್ಲಿ ಅಥವಾ ಅದರಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರುವಷ್ಟು ಪೂರ್ತಿ ಮೊಬಲಗಿಗೆ ವಿಮೆಮಾಡದೆ ತಪ್ಪಿದಲ್ಲಿ ಮತ್ತು ಹಾಗೆ ಅವನು ತಪ್ಪದೆ ಹೋಗಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಅವನು ಯಾವ ಮೊಬಲಗನ್ನು ಪಾವತಿ ಮಾಡಬೇಕಾಗುತ್ತಿದ್ದಿತೋ ಆ ಮೊಬಲಗನ್ನು ಕೊಡದೆ ಉಳಿಸಿಕೊಂಡಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ತಿದ್ದುಪಡಿ ಕಾನೂನಿಗೆ ಮೊದಲಿನ ಮೂಲಕಾನೂನಿನ ಮೇರೆಗೆ ವಿಧಾಯಕವಾಗಿರುವ ದಂಡನೆಗಳಿಗೆ ಅವನನ್ನು ಗುರಿಮಾಡಲು ಯಾವ ಬಾಧಕವೂ ಇಲ್ಲದಂತೆ ಆ ಮನುಷ್ಯನು ಪಾವತಿಮಾಡದೆ ತಪ್ಪಿಸಿಕೊಂಡಿರತಕ್ಕ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನು ನಿರ್ಧರಿಸಲು ಸರ್ಕಾರದವರಿಂದ ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಒಬ್ಬ ಆಫೀಸರು ಹಾಗೆ ನಿರ್ಧರಿಸಲು ಅವಕಾಶವು ಕಲ್ಪಿತವಾಗಿದೆ. ಹಾಗೆ ನಿರ್ಧರಿಸಲ್ಪಟ್ಟ ಮೊಬಲಗನ್ನು ಅದು ಜಮಾನು ಕಂದಾಯದ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹೇಗೊ ಹಾಗೆ ವಸೂಲಾಡುವುದಕ್ಕೂ ಅವಕಾಶವಿರುವಂತೆ ತಿದ್ದುಪಡಿ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವು ಏರ್ಪಟ್ಟಿದೆ. ಆದರೆ, ಯಾವ ಮನುಷ್ಯನ ವಿಷಯದಲ್ಲಿ ಹಾಗೆ ಮೊಬಲಗು ನಿರ್ಧರವಾಯಿತೋ ಆ ಮನುಷ್ಯನು ಹಾಗೆ ನಿರ್ಧರ ಮಾಡಲ್ಪಟ್ಟಿರುವ ಮೊಬಲಗಿನ ಸಂಬಂಧದಲ್ಲಿ ಅಪೀಲು ಮಾಡಿಕೊಳ್ಳಲು ಅವನಿಗೆ ಹಕ್ಕಿರುವಂತೆಯೂ ಸಹ ತಿದ್ದುಪಡಿ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವು ಏರ್ಪಟ್ಟಿದೆ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನಲ್ಲೂ ಕೂಡ ಇಂಥ ತಿದ್ದುಪಾಟುಗಳನ್ನು ಮಾಡುವುದು ಆವಶ್ಯಕವೆಂದು ಕಂಡುಬಂದಿದೆ. ಆದುದರಿಂದ ಅದಕ್ಕನುಗುಣವಾಗಿ ಈ ಮಸೂದಾಕಾನೂನನ್ನು ರಚಿಸಿ ಅದನ್ನು ಸಭಿಕರ ಪರ್ಯಾಲೋಚನೆಗಾಗಿ ಅವರಿಗೆ ಒಪ್ಪಿಸಲಾಗಿದೆ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943ನೆಯ ಇಸವಿಯ ಆಕ್ಟನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ,

ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಈ ಮೂಲಕ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ:—

ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ

1. (1) ಈ ಆಕ್ಟನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗ ಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 194 ನೆಯ ಇಸವಿಯ (ತಿದ್ದುಪಡಿ) ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು.

(2) ಅದು ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು.

1943ನೆಯ ಇಸವಿಯ VIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಲ್ಲಿ 6 A ಎಂಬ ಒಂದು ಹೊಸ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸುವುದು.

2. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಸರಕುಗಳಿಗೆ ಯುದ್ಧದ ದೆಸೆಯಿಂದಾಗಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳ ವಿಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ 1943 ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ಆಕ್ಟು ಎಂದು ಪ್ರಸ್ತಾವಿಸಲಾಗುವುದು) 6ನೆಯ ಪ್ರಕರಣವಾದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು; ಅದು ಯಾವುದೆಂದರೆ:—

"6 A (i) ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಈ ಆಕ್ಟಿನಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರತಕ್ಕ ಪ್ರಕಾರ ಅಥವಾ ಈ ಆಕ್ಟಿನಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರುವಷ್ಟು ಪೂರ್ತಿ ಮೊಬಲಗಿಗೆ ವಿಮೆ

ಮಾಡದೆ ತಪ್ಪಿದಲ್ಲಿ ಮತ್ತು ಹಾಗೆ ಅವನು ತಪ್ಪದೆ ಇದ್ದಿದ್ದಲ್ಲಿ ಅವನು ಪ್ರೀಮಿಯಮ್ ರೂಪದಲ್ಲಿ ಯಾವ ಮೊಬಲಗನ್ನು ಪಾವತಿ ಮಾಡಬೇಕಾಗಿದ್ದಿತೋ ಆ ಮೊಬಲಗನ್ನು, ಹಾಗೆ ವಿಮೆ ಮಾಡದೆ ತಪ್ಪುವುದರ ಮೂಲಕ, ಪಾವತಿ ಮಾಡದೆ ತಪ್ಪಿಸಿಕೊಂಡಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, 6 ನೆಯ ಪ್ರಕರಣದ (2)ನೆಯ ಒಳಪ್ರಕರಣದ ನಿಯಮಗಳಿಗೆ ವಿರೋಧವಿಲ್ಲದಂತೆ, ಈ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರದವರಿಂದ ಅಧಿಕಾರ ಕೊಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಒಬ್ಬ ಆಫೀಸರು, ಆ ಮನುಷ್ಯನು ಪಾವತಿ ಮಾಡದೆ ತಪ್ಪಿಸಿಕೊಂಡಿರತಕ್ಕ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನು ನಿರ್ಧರಿಸಬಹುದು. ಹಾಗೆ ನಿರ್ಧರಿಸಲ್ಪಟ್ಟ ಮೊಬಲಗನ್ನು ಆ ಮನುಷ್ಯನು ಪಾವತಿ ಮಾಡತಕ್ಕದ್ದು; ಮತ್ತು ಅದನ್ನು ಅವನಿಂದ ಅದು ಜಮಾನು ಕಂದಾಯದ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ವಸೂಲು ಮಾಡತಕ್ಕದ್ದು; ಅಲ್ಲದೆ, ಯಾವ ಸ್ಪತ್ತಿನ ಸಂಬಂಧದಲ್ಲಿ ಆ ಮನುಷ್ಯನು ವಿಮೆ ಮಾಡದೆ ತಪ್ಪಿರುತ್ತಾನೋ ಆ ಸ್ಪತ್ತಿನ ಮೇಲೆ ಆ ಮೊಬಲಗು ಮೊಟ್ಟ ಮೊದಲನೆಯ ದೇಣಿ ಹೊಣೆಯಾಗಿಯೂ ಇರತಕ್ಕದ್ದು.

(ii) ಮೇಲೆ ಕಂಡ (i) ನೆಯ ಒಳ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವ ಮನುಷ್ಯನ ವಿಷಯದಲ್ಲಿ ಅವನಿಂದ ಪಾವತಿಯಾಗಬೇಕಾದ ಮೊಬಲಗು ನಿರ್ಧರಿಸಲ್ಪಟ್ಟಿದೆಯೋ ಆ ಮನುಷ್ಯನು, ಹಾಗೆ ನಿರ್ಧರಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ವಿಚಾರದಲ್ಲಿ, ವಿಧಾಯಕವಾದ ಕಾಲದೊಳಗಾಗಿ, ಸರ್ಕಾರದವರಿಗಾಗಲಿ ಅಥವಾ ಸರ್ಕಾರದವರಿಂದ ನೇಮಕ ಮಾಡಲ್ಪಟ್ಟಿರತಕ್ಕ ಅಧಿಕಾರಿಗಾಗಲಿ ಅಪೀಲು ಮಾಡಬಹುದು. ಆ ಅಪೀಲಿನ ಮೇಲೆ ಸರ್ಕಾರದವರು ಅಥವಾ ಆ ಅಧಿಕಾರಿಯು ಮಾಡುವ ತೀರ್ಮಾನವೇ ಅಖೈರು ತೀರ್ಮಾನವಾಗಿರತಕ್ಕದ್ದು."

3. ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳ ಪ್ರಕರಣದಲ್ಲಿ "ಯುದ್ಧದ ದೆಸೆಯಿಂದ ಸರಕುಗಳಿಗೆ ಸಂಭವಿಸಬಹುದಾದ ನಷ್ಟ ಸಂಭವಗಳನ್ನು ತಪ್ಪಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ವಿಮೇ ಮಾಡಿರುತ್ತಾನೆಯೆ ಅಥವಾ ಇಲ್ಲವೆ ಮತ್ತು ಹಾಗೆ ವಿಮೆಮಾಡಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅಂಥ ವಿಮೆಯ ಮೌಲ್ಯವು ಎಷ್ಟು" ಎಂಬ ಪದಗಳಿಗೆ ಬದಲಾಗಿ "ಈ ಆಕ್ಟಿನ ವಿಧಿಗಳಿಗನುಸಾರವಾಗಿ ನಡೆದುಕೊಂಡಿರುತ್ತಾನೆಯೆ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

1943 ನೆಯ ಇಸವಿಯ VII ನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

WAR RISKS (GOODS) INSURANCE.

The War Risks (Goods) Insurance Ordinance was promulgated by the Government of India in October 1940. An enquiry had been received from the Government of India whether this Government would be willing to participate in the scheme. In reply they were informed that this Government had then no intention to introduce the scheme and that the position would however be reviewed some time later. It was subsequently decided that in view of the representations received from Mysore Cha be of Commerce and Public Bodies in the State urging for the participation in the scheme, that it was desirable that this insurance should be extended to the State. Considering the magnitude of the industrial interests in the State and of the risks to be covered. the introduction of independent schemes by us, confined only to the State, would be beyond our resources. The Government of India were therefore approached to include this State within the purview of the (Goods) scheme, and the scheme was extended by them to the State in their Notification dated 29th August 1942. Under the scheme, insurance has to be effected with the agents by

the Government of India, who administer the scheme, ~~revive~~ receive the premia and carry the risk. This Government undertook to Pass the Act in the State (the rules framed thereunder by the Government of India applying mutatis mutandis here also) and an undertaking was also given to effectively preclude the suing of the Government of India (qua insurer) in the Courts of the State. The Government of India stated that as the contract of insurance would be between the persons in the State and the Governor-General, they would insert the following conditions in the policy to be issued in the State and this was agreed to.

(1) that the contract shall be deemed to be made in British India

(2) that claims under the policy shall be settled in British India.

(3) that the insured agrees to submit to the jurisdictions of Courts in British India for all matters arising out of or in connection with the policy of insurance.

The (Goods) scheme does not apply to buildings, factory, machinery and plant and other forms of immoveable property.

Any person carrying on business as a seller of goods must insure the whole of his goods which are insurable under this scheme for their value if the value of

of such goods exceeds Rs.20,000(Secn.6 (1)). The Act prescribed heavy fines for contravention (Section 6 (2)) The application form should be sent with a remittance for the premium to a Government Agent.

The maximum period for which a policy may be issued is for three months. The rate of premium is fixed quarterly and the rate is changed from time to time. The current rate is at three annas per month or part of a month for each complete sum of one hundred rupees, for the quarter ending 30th June 1943. On insurances effected during the months of April, July, October and January, three months premium will be payable. On ininsurances effected during the months of May, August, November and February, two months premium will be payable. On insurances effected during the months of June, September, December and March, one month's premium will be payable. The Act also provides for the voluntary insurance, in the case of those whose stocks of goods insurable do not exceed Rs.20,000/-.

The Special Officer, Madras, has also been authorized to exercise the powers under Sec. 7 (1) of the (Goods) Act.

As per latest information received from the Special Officer, Madras, 200 policies have been taken so far.

Further information is awaited from the Director of Industries and Commerce.

APPENDIX A

Note:- Amendments made by the War Risks (Goods) Insurance (Amendment) Ordinance, 1941 (No.XII of 1941), are indicated by (( ))

ORDINANCE No IX OF 1940

As Amended by Ordinance XII of 1941

AN

ORDINANCE

to make certain provisions for the insurance of goods in British India against damage by enemy action.

WHEREAS an emergency has arisen which renders it necessary to make certain provisions for the insurance of goods in British India against damage by enemy action;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:-

26 Geo, 5, c.2.

1. (1) This Ordinance may be called the War Risks (Goods) Insurance Ordinance, 1940. Short title extent and commencemen

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Ordinance, unless there is anything repugnant in the subject or context.- Definitio

(a) "agricultural products" means products of agriculture, horticulture or sylviculture and includes growing crops, plants and trees;

(b) "goods" means any materials, commodities or articles and includes materials or articles used in or for the construction of ships up

to

to the time at which a ship after construction is launched;

(c) "war risks" means such risks arising from ◊ - ◊

◊ (i) ◊ action taken by an enemy or ◊ ... ◊ action taken in combating an enemy or in repelling an imagined attack by an enemy, ◊ ..... ◊

◊ (ii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring (whether accidentally or not) as the direct result of any such action as aforesaid

(iii) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving a substantial degree of risk to property,

(iv) precautionary or preparatory measures involving the doing of work on land and aken under proper authority in any way in nticipation of enemy action, being measures nvolving a substantial degree of risk to property,

as may be prescribed; ◊

(v) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving a substantial degree of damage to or diminution of the value of property; ◊

(d) "live-stock" includes animals of any description;

(e) "prescribed" means prescribed by rules made under

this

this Ordinance;

(f) "seller of goods" includes a seller of goods acting as an agent, and, in relation to any person carrying on the business of selling goods as an agent, any reference in this Ordinance to goods produced by him or to goods not produced by him shall be construed as including a reference to goods produced, or, as the case may be, not produced by his principal.

◊ ..... ◊.

Goods insurable under this Ordinance.

3. (1) Subject to the provisions of this section:-

(a) the following goods shall, in relation to any person carrying on business in British India as a seller of goods of any description produced by him, be deemed to be goods insurable under this Ordinance, that is to say, all goods situated in British India or when consigned from one place in British India to another place in British India and in transit, situated in India being either--

(i) goods of that description, or

(ii) goods used as material from which goods of that description are produced or as ingredients or component parts of goods of that description; and

(b) the following goods shall, in relation to any person carrying on business in British India as a seller of goods of any description not produced by him, be deemed to be goods insurable under this Ordinance, that is to say, all goods of that description being goods situated in British India.

(2) In relation to a person carrying on in British India the business of selling agricultural products produced by him, all agricultural products and live-stock for the time being situated (Co in next Page)

in British India shall, subject to the following provisions of this section, be deemed to be goods insurable under this Ordinance:

Provided that the Central Government may by general or special order direct that the provisions of section 7 shall not operate so as to require a person to be insured in respect of any goods which, in relation to that person would not, apart from the provisions of this sub-section, be goods insurable under this Ordinance.

(3) Things which, in relation to a person carrying on any business as a seller of goods, are at any time goods insurable under this Ordinance shall not cease to be goods so insurable by reason only that they are subsequently placed in or affixed to land under a contract of sale entered into by that person in the course of that business.

(4) The Central Government may, by notification in the official Gazette, direct that goods of any description specified in the notification shall, notwithstanding anything contained in this section, be deemed not to be goods insurable under this Ordinance.

Ownership

4. (....) (1) Save in so far as is otherwise expressly provided in this Ordinance, any goods shall, subject to the provisions of this section, be deemed for the purposes of this Ordinance to be owned.-

(a) if the property in the goods is for the time being vested in a person in relation to whom they are insurable under this Ordinance, by that person;

(b) if the property in the goods is not so vested, by any person in relation to whom the goods are insurable under this Ordinance and who is for the time being entitled, either unconditionally or conditionally, to have the property in the goods vested in him:

Provided that where.-

(i) any goods would, under the foregoing provisions of

of this sub-section, be deemed to be owned by a person in whom the property therein is vested otherwise than than in the course of a business carried on by him in British India, or who is entitled to have the property therein vested in him otherwise than in the course of such a business, and

(ii) any person carrying on business in British India is for the time being entitled to sell the goods as agent.

the goods shall be deemed to be owned by the last mentioned person.

(2) Where in the course of any business a ship is being, or has been constructed under contract, and the ship or any part thereof or any goods appropriated for the construction thereof,-

a) would, apart from the provisions of this sub-section, have been deemed for the purposes of this Ordinance to be owned at any time by the person from time to time carrying on the business; or

b) have at any time been accepted, in pursuance of a contract made with him, by the person from time to time carrying on the business.

then, notwithstanding that they would not, apart from the said provisions, be deemed for the said purposes to be owned by the person from time to time carrying on the business, the ship and any part thereof and any goods so appropriated as aforesaid shall, subject to the provisions of sub-section (3), be deemed, in a case to which clause (a) applies, to continue to be owned by the person from time to time carrying on the business until the acceptance of the ship, in pursuance of the contract in question, by the person for whom it is being, or has been, constructed, and in a case to which clause (b) applies to be owned by the person from time to time carrying on the business at all times between the acceptance referred to in the said clause (b) and the acceptance of the ship as aforesaid by the person for whom it is being, or has been, constructed.

(3) The provisions of sub-section (2) shall apply in relation to the construction under contract in the course of a business of part of a ship, not being part of a ship which is being, or has been, constructed by the person from time to time carrying on the business, as they apply in relation to the construction of a ship.-

(a) with the substitution for references to a ship of references to part of a ship;

(b) where the contract for the part of the ship is with the person for whom the ship is being constructed, with the substitution for references to the acceptance of the ship under the contract in question of references to the acceptance of the ship under the contract for the construction thereof;

(c) where the contract for the part of the ship is with any other person, with the substitution for references to the ~~xxxxx~~ acceptance of the ship under the contract in question of references to the acceptance of the part of the ship under the contract for the construction of the part by the person for whom it is being, or has been, constructed.

(4) Where the person from time to time carrying on a business receives any money, under a policy issued in pursuance of the War Risks (Goods) Insurance Scheme, in respect of the loss of or damage to a ship, part of a ship or goods which are deemed to be owned by him by virtue of sub section (2) or sub-section (3), the money shall be held by him on trust for the person who apart from the provisions of those sub-sections would be deemed for the purposes of this Ordinance to be the owner of the ship, part or goods, subject, however, to any lien or charge which would otherwise be enforceable against the ship, part or goods, and subject also to the right to retain out of the money the amount of any expenses reasonably incurred by the first mentioned person in making good any part of the loss or damage which he is liable to make good.

War Risks Insurance Scheme.

5. (1) The Central Government may, by notification in the official Gazette, put into operation a scheme (in this Ordinance referred to as the War Risks (Goods) Insurance Scheme) whereby the Central Government undertakes, in relation to persons carrying on business in British India as sellers of goods, the liabilities of insuring such persons against war risks in respect of goods insurable under this Ordinance which are from time to time owned by such persons in the course of such business.

(1A) The War Risks (Goods) Insurance Scheme may also extend

(a) to the undertaking by the Central Government, in relation to any person carrying on business in British India as a seller of goods, of the liability of insuring such a person against war risks in respect of goods insurable under this Ordinance which are not owned by him but in which he has an interest arising in the course of that business;

(b) without prejudice to the provisions of clause (a), to the undertaking by the Central Government, in relation to a person carrying on any business in British India, of the liability of insuring such a person against war risks in respect of -

(c) to the undertaking by the Central Government in relation to a person carrying on any business in British India of the liability of insuring such

person against war risks in respect of any goods situated in British India, which having been sold in British India for export from British India are in his possession for the purpose of such export and are goods which were prior to such sale insurable under this Ordinance in relation to the person by whom they were then owned.

(d) to the undertaking by the Central Government in relation to any person carrying on business in British India as a seller of goods of the liability of insuring such a person against war risks in respect of goods imported into British India through any Port on the continent of India, while such goods are situated at such Port or are in transit from such Port to a place in British India.

(1B) The War Risks (Goods) Insurance Scheme may also extend to the undertaking by the Central Government in relation to a Provincial Government of the liability of insuring the Provincial Government in such special cases as it thinks fit against war risks in respect of goods for the time being owned by the Provincial Government which are goods that would be goods insurable under this Ordinance if the Provincial Government were a person carrying on business in British India as a seller of goods of that description.

(i) any goods situated in British India which are in his possession, otherwise than under a hire purchase agreement, for the purposes of that business,

(ii) any goods situated in British India which are subject to a mortgage in his favour held by him in the course of that business, being in either case goods which are not owned by him but which are insurable under this Ordinance in relation to the person by whom they are owned/

(2) The War Risks (Goods) Insurance Scheme shall be such as to secure -

(a) that any liability of the Central Government as insurers under the scheme is determined by a policy of insurance issued in the prescribed form and in respect of a period not exceeding the period for the time being prescribed in this behalf, by a person acting on behalf of the Central Government,

b) that any premium under a policy so issued is payable at such rate as may be prescribed, and

c) that the amount of any one premium payable under a policy so issued is not less than such sum as may be prescribed in this behalf

(3) Different forms of policies, different rates of premium and different periods may be prescribed under sub-section (2) in relation to different descriptions of goods and according to the place at which and the circumstances in which the goods insured are situated.

(3A) Where the rate of premium prescribed for the purposes of clause (b) of sub-section (2) of section 5 in respect of the period fixed for the purposes of clause (a) of that sub-section is altered, the rate as so altered shall be the rate applicable to all policies under which premiums are payable in respect of that period, notwithstanding that policies may have been issued on payment of premium at the rate in force before the alteration; and any policy issued on payment of premium at the rate in force before the alteration; ~~and any policy issued on payment of premium at the rate~~ shall, when the rate has been increased by the alteration, cease to be valid on such date as may be fixed in this behalf by the Central Government unless before such date any deficiency in the amount paid as premium is made good by the policy-holder.

Employment of agents by Central Government.

6. The Central Government may employ or authorise the employment of any person or firm to act as its agent for any of the purposes of this Ordinance and may pay to persons or firms so employed such remuneration as the Central Government thinks fit:

Provided that no person or firm shall be so employed unless that person or firm is either

(a) a member of an association prescribed in this behalf, or

(b) a person who in British India has a standing contract with underwriters who are members of the Society of Lloyd's, whereby such person is authorised within the terms of such contract to issue protection notes, cover notes or other documents granting insurance against war risks.

Compulsory insurance.

7. (1) No person shall, after such date as may be specified in this behalf by the Central Government by notification in the official Gazette, carry on any business in British India as a seller of goods, unless, in respect of any goods insurable under this Ordinance which are for the time being owned by him in the course of that business, there is in force a policy of insurance against war risks issued in accordance with the War Risks (Goods) Insurance Scheme, whereby he is insured in respect of sugh goods for a sum not less than the value thereof for the time being:

Provided that nothing in this sub-section shall restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods insurable under this Ordinance which are for the time being owned by him within one and the same Presidency-town or district in the course of that business does not exceed such amount as may be prescribed in this behalf:

(Provided further that the Central Government may, by notification in the official Gazette, declare that the provisions of this sub-section shall not apply to the carrying on of business as aforesaid by any person in respe of goods of any description specified in such notification)

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees and with a further fine which may extend to five hundred rupees for every day after the first on which the contravention continues.

7.A.(Insertion of new section 7A in Ordinance IX of 1940

After section 7 of the said Ordinance, the following section shall be inserted, namely:-/

"7A, Recovery of premiums unpaid.- (1) Without prejudice to the provisions of sub-section (2) of section 7, where any person has failed to insure as, or to the full amount, required by this Ordinance, and has thereby

thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(2) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final".

Restriction on carrying on certain insurance business.

8. (1) After the date on which the War Risks (Goods) Insurance Secheme is put into operation, no person shall, except as a person authorised by the Central Government as their agent to issue policies in pursuance of that scheme, carry on the business of insuring persons carrying on business in British India, as sellers of goods, against war risks in respect of goods ısurable under this Ordinan which are from time to time owned by such persons in the course of such business as is last mentioned.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the firs on which the contravention continues.

War Risks Insurance Fund.

9. (1) The Central Government shall establish a fund for the purposes of this Ordinance, to be called the War Risks (Goods) Insurance Fund, into which shall be paid all sums received by the Central Government by way of insuranc premiums under the War Risks Insurance Scheme (or by way of payments made on compoıition of offences under section 12A) ~~and out of which shall be paid all sums required for the~~ or under any provision of law corresponding thereto in force in an Indian State or in the French Establishments in India or in the territories hereinafter referred to as

as Administered Areas) set out in the schedule or ordered to be paid under section 545 of the Code of Criminal Procedure 1898 (V of 1898) in any prosecution under this Ordinance. (See fly sheet attached)

and out of which shall be paid all sums required for the discharge by the Central Government of any of its liabilities under the War Risks Insurance Scheme, or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of that scheme.

a payment is to be made out
ding to the credit of the
ired for the making of that
e deficiency shall be paid
t of general revenues.

(3) If at any time, the amount standing to the credit of the fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the fund, the excess shall be paid into general revenues.

(4) The Central Government shall prepare in such form and manner as may be prescribed, and shall publish, either annually or at such shorter intervals as may be prescribed an account of all sums received into and paid out of the War Risks (Goods) Insurance Fund.

ver of
ıtral Govern-
ıt to obtain
formation.

10. (1) (.....) Any person authorised in this behalf by the Central Government may for the purpose of ascertaining whether or not the requirements of this ordinance have been complied with,

(a) require any person carrying on in British India the business of fire insurance or of a seller of goods to submit to him such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary or

(b) at any reasonable time enter any premises occupied by any person carrying on in British India any such business, and inspect the premises and require any person found therein who is for the time being in charge thereof to produce to him and allow him to examine such accounts, books

books or other documents as may relate to the business carried on in the premises or to furnish to him such information as he may reasonably think necessary.)

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with a request made thereunder shall, in respect of each occasion on which any such obstruction or failure takes place, be punishable with fine which may extend to five hundred rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, shall be punishable with fine which may extend to one thousand rupees.

Refund of premiums in certain cases.

11.(1) Where goods of any description have been insured by a seller of goods for any period, and before that period has elapsed goods of that description have ceased, by virtue of a notification under sub-section (4) of Section 3, to be goods insurable under this Ordinance, the person who has insured such goods shall be entitled to a proportionate refund of premium.

(2) In any other case the Central Government may, at its discretion, order a refund to be made of any sum paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Ordinance.

(3) On and after the 1st day of October, 1940 no suit shall be maintainable in any civil Court against the Central Government or a person acting as agent of the Central Government under section 6 for the refund of money paid or purporting to have been paid as premium in respect of any policy issued or purporting to have been issued under this Ordinance"

Limitation on prosecutions.

12. No prosecution for any offence punishable under this Ordinance shall be instituted against any person except by or with the consent of the Central Government or an authority authorised in this behalf by the Central Government.

Composition of offences.

12A. Any offence punishable under sub-section (2) of section 7 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government, on payment for credit to the War Risks (Godds) Insurance Fund of such sum as the Central Government or such authority, as the ~~xxxx~~ case may be, thinks fit

Bar of legal proceedings.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this

this ordinance.

Power to make rules.

14. (1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Ordinance.

(2). Without prejudice to the generality of theforegoing power, such rules may prescribe-

a) the risks which shall be deemed to be war risks for the purposes of clause (c) of section 2;

(b) the forms of the policies of insurance referred to in sub-section (2) of section 5, the maximum period in respect of which such policies shall be issued, the rates at which premium amount which shall be payable as any one premium on such policies;

on Such Policies shall be Payable & the minimum

(c) the associations to be prescribed for the purposes of clause (a) of the proviso to section 6;

(d) the maximum amount to be prescribed for the purposes of the proviso to sub-section (1) of section 7;

(dd) the procedure in making determination and in prosecuting appeals from determination made under Section 7A.

(e) the form of and the manner of preparing the account referred to in sub-section (4) of section 9 and the intervals at which such account shall be published.

Application of scheme to goods in certain territories outside British India.

15 (1) If the Central Government is satisfied that by the law of an Indian State or of the French Establishments in India or of the Administered Areas provision has been made substantially corresponding to the provision made by this Ordinance requiring persons carrying on business as sellers of goods in such State, Establishments or Areas, as the case may be, to take out policies of insurance against war risks, the Central Government may, by notification in the official Gazette, declare that this section shall apply to the territory of that State, or of those Establish-ments or comprising the Administered Areas.

(2) On the application of this section to any such territory-

(a) this Ordinance shall have effect as

as if in section 3 and in sub-section (1) and 1A) of section 5 the references to British India included a reference to all territories to which this section is applied, and as if sub-section (1) of section 6 prohibited any person, except as a person authorised by the Central Government as their agent to issue policies in pursuance of the War Risks (Goods) Insurance Scheme, from carrying on after the date of the notification by which this section is applied to any such territory the business of insuring persons in such territory against war risks for which insurance cover is provided under the War Risks (Goods) Insurance Scheme; and

(b) In any policy of insurance issued under the War Risks (Goods) Insurance Scheme references, whether express or implied, to British India shall be deemed to include a reference to all territories to which this section is applied".

~~Addition of Schedule to 6~~

Addition of Schedule to Ord.IX of 1940.

5. To the said Ordinance the following Schedule shall be added namely:-

The Schedule.

(see section 9 (1).

1. The Cantonment of Baroda.
2. The Administered Areas in the Western India States Agency specified in the Western India States Administered Areas (Application of Laws),Order, 1937.
3. The Administered Areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order,1937
4. The Gwalior Residency Area.
5. The District of Abu.
6. The Administered Areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order,1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western India States Agency specified in the notifications of the Political Department Nos.189-I.B.and 190-I.B.dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order,1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order,1939.
12. The Thana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs
13. The British Reserve in Manipur.

H.M 832

D.F.N.

Subject:-Promulgation of the Mysore War Risks (Goods) Insurance Amendment Act, 1943.

With the gracious assent of His Highness on the 8th January, 1943, the War Risks (Goods) Insurance Emergency Act, was passed into law and has since been published as Act VII of 1943.

The Government of India have effected certain amendments to their Act and have requested this Government to take necessary action to enact the amending legislation on the lines indicated by them.

In view of the proximity of the sessions of the legislatures it is considered unnecessary to issue the amending enactment as an emergency measure. It is proposed to adopt the amendments as in the draft bill placed in the file and to proceed with the same in the usual course in the Representative Assembly and the Legislative Council at their ensuing session, obtaining, however, the gracious permission of His Highness to promulgate the bill as an emergency measure, if need should arise.

The Dewan and the other Ministers have agreed to the above proposal. The gracious sanction of His Highness is solicited thereto.

MINISTER FOR EDUCATION.

To
13.5.43.

13/5

As passed by the Legislative council on 5th July 1943

38

No. Rl. 1110, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the War Risks (Goods) Insurance (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

A BILL TO AMEND THE MYSORE WAR RISKS (GOODS) INSURANCE ACT, 1943.

WHEREAS it is expedient to amend the War Risks (Goods) Insurance Act, 1943;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore War Risks (Goods) Insurance (Amendment) Act, 194

(2) It shall come into force at once.

Insertion of a new section 6A in Act VII of 1943.

2. After section 6 of the Mysore War Risks (Goods) Insurance Act, 1943 (hereinafter referred to as the said Act) the following section shall be inserted, namely:—

"6A (*i*) Without prejudice to the provisions of sub-section (2) of section 6 where any person has failed to insure as, or to the full amount, required by this Act and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount, payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land revenue and shall be the first charge on the property in respect of which the default was made.

(*ii*) The person against whom a determination is made under sub-section (i) may, within a prescribed period, appeal against such determination to the Government or an authority appointed by the Government whose decision shall be final."

Amendment of section 7, Act VII of 1943.

3. In sub-section (1) of section 7 of the said Act, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the requirements of this Act have been complied with" shall be substituted. S H Chandrasekharaiya 12/3/43 president legislative commi

Statement of objects and reasons.

The scheme of the Government of India for the compulsory insurance, against war risks, of certain kinds of goods over a certain value, has recently been put into force in Mysore under the Mysore War Risks (Goods) Insurance Act, 1943. Under this Act, failure to insure will entail a fine, which may extend to Rs. 1,000 and a further fine which may extend to Rs. 500 for every day of default after the first.

The corresponding British Indian Ordinance has been recently amended providing that, without prejudice to the penalty already prescribed, where a person has failed to insure as, or to the full amount required by this Act and has thereby evaded the payment of any money which he would have had to pay but for such failure, an officer authorised in this behalf may determine the amount, the payment of which has been thus evaded. The amount so determined becomes recoverable as an arrear of land revenue, a right of appeal, however, being provided against such determination.

It has become necessary to effect a similar amendment in our Act and this Bill has accordingly been brought forward.

D. F. N.

Subject: Promulgation of the War Risks (Goods) Insurance (Amendment) Bill.

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On the 16th of May 1943, the gracious approval of His Highness was accorded to proceed with the Mysore War Risks (Goods) Insurance (Amendment) Bill in the Representative Assembly and the Legislative Council. The Bill was placed before the Representative Assembly during ~~the recent~~ the last Budget Session and approved by that House. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it.

A copy of the Bill as passed in the Council and ~~sent~~ signed by the President under ~~rule~~ standing order 44 of the Mysore Legislative ~~Rules~~ Council Standing orders is submitted herewith.

The gracious sanction of His Highness is solicited to promulgate the Bill into law.

15/5

Minister for Education.

14.5.43

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. ~~RL 134~~ 140 Legis 3-43-1 Dated, Bangalore, 31st July 1943

Ordered that the accompanying War Risks (Goods) Insurance (Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 25th day of July 1943, be published as Act No. XXIV of 1943, in the *Mysore Gazette*, for general information.

31.7.43

General Secretary to Government.

Law Department

31/7

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Order No. .....Legis 3-43-1

Dated, BANGALORE, ~~Saturday~~ 2nd August 1943.

Ordered that the accompanying War Risks (Goods) Insurance (Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 25th day of July 1943, be published as Act No. XXIV of 1943, in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

PR2.

Cfo.

This may be please
heated as emergent & the
file arranged to be sent to
me on the 6th at the latest if possible
This Bill will have to be
introduced at the ensuing
session of the RA

For
4/5/43

Immediate

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(1) War Risks (Factories) amendment ~~bill~~ bill
(Dy No 9th 45541)

(2) War Risks (Goods) amendment bill.
(Dy No 45674)

Submitted

The following files have been sent to the R.A & Lic Office in connection with the amendment bills. The two files are urgently required to prepare a note for submission to the Minister as per instr & as soon ~~the~~ the R.A & Lic Office may be asked to put up the two files for perusal & return

11/6/43 RA Office

for compliance.

11/6.

Subd. The two files are put up herewith as required
when we are kindly to return

OFFICE OF THE SECRETARY
MW2.V.
14 JUNE 1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. XI—1]

Register of "Suspend" Cases of the ..... Branch

Register No.	Letter No.	Date	To whom	File and Serial No.	Brief Subject	Reply Diary No.	Reply Date of receipt	Reminders issued and other memoranda
					are required in connection with the Legislative Business to be transacted at the ensuing Session of the L.e.			
					W. 14/6/43 For perusal before returning the file to the files Room to be kept ready for the L.e. and draft Speeches prepared to			
					following behind reformed Regs.			
					14.6.43			

No. Rl. 1110, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the War Risks (Goods) Insurance (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

Act No XXIV of 1943

An Act ~~A BILL~~ TO AMEND THE MYSORE WAR RISKS (GOODS) INSURANCE ACT, 1943.

Received the assent of His Highness the Maharaja on the 25th day of July 1943

WHEREAS it is expedient to amend the War Risks (Goods) Insurance Act, 1943;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore War Risks (Goods) Insurance (Amendment) Act, 1943.

(2) It shall come into force at once.

Insertion of a new section 6A in Act VII of 1943.

2. After section 6 of the Mysore War Risks (Goods) Insurance Act, 1943 (hereinafter referred to as the said Act) the following section shall be inserted, namely:—

"6A (*i*) Without prejudice to the provisions of sub-section (2) of section 6 where any person has failed to insure as, or to the full amount, required by this Act and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount, payment of which has been so evaded. The amount so determined shall be payable by such person and shall be recoverable from him as an arrear of land revenue and shall be the first charge on the property in respect of which the default was made.

(*ii*) The person against whom a determination is made under sub-section (i) may, within a prescribed period, appeal against such determination to the Government or an authority appointed by the Government whose decision shall be final."

Amendment of section 7, Act VII of 1943.

3. In sub-section (1) of section 7 of the said Act, for the words "any person has insured any goods against war risks, and, if so, for what value" the words "the requirements of this Act have been complied with" shall be substituted.

(Sd). N. Madhava Rao
Dewan

Statement of objects and reasons.

The scheme of the Government of India for the compulsory insurance, against war risks, of certain kinds of goods over a certain value, has recently been put into force in Mysore under the Mysore War Risks (Goods) Insurance Act, 1943. Under this Act, failure to insure will entail a fine, which may extend to Rs. 1,000 and a further fine which may extend to Rs. 500 for every day of default after the first.

The corresponding British Indian Ordinance has been recently amended providing that, without prejudice to the penalty already prescribed, where a person has failed to insure as, or to the full amount required by this Act and has thereby evaded the payment of any money which he would have had to pay but for such failure, an officer authorised in this behalf may determine the amount, the payment of which has been thus evaded. The amount so determined becomes recoverable as an arrear of land revenue, a right of appeal, however, being provided against such determination.

It has become necessary to effect a similar amendment in our Act and this Bill has accordingly been brought forward.

NOTIFICATION.

No. Rl. 139—*Legis.* 2-43-1, *dated Bangalore, the 2nd August* 1943.

Ordered that the accompanying War Risks (Factories) Insurance (Amendment) Act, 1943 which received the assent of His Highness the Maharaja, on the 25th day of July 1943, be published as Act No. XXIII of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government, Law Department.

ACT No. XXIII OF 1943.

AN ACT TO AMEND THE WAR RISKS (FACTORIES) INSURANCE ACT, 1943.

(*Received the assent of His Highness the Maharaja, on the 25th day of July* 1943).

WHEREAS it is expedient to amend the War Risks (Factories) Insurance Act, 1943;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the War Risks (Factories) Insurance (Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of section 2, Act VI of 1943.

2. In section 2 of the War Risks (Factories) Insurance Act, 1943 (hereinafter referred to as the said Act),—

(*a*) to clause (*a*) the words "and boundary walls" shall be added;

(*b*) for clause (*h*) the following clause shall be substituted, namely :—

"(*h*) 'property insurable under this Act' means, in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the Mysore War Risks (Goods) Insurance Act, 1943 (Act VII of 1943), all plant and machinery in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of

plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed."

(*c*) after clause (*h*) the following clause shall be inserted, namely :—

"(*hh*) 'quarter' means a period of three months commencing on the 1st day of March, June, September or December."

3. In section 5 of the said Act,—

Amendment of section 5, Act VI of 1943.

(*a*) in sub-section (1), after the words "by notification in the official Gazette" the following shall be inserted, namely :—

"or, in respect of premises becoming a factory or property becoming property insurable under this Act after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory or the property becomes insurable under this Act, or as the case may be in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Act, 1943, whichever is later,"

(*b*) to sub-section (4) the following words shall be added, namely :—

"and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure" ;

(*c*) after sub-section (4), the following sub-section hall be added, namely :—

"(5) where any offence under sub-section (4) is tried by a Magistrate competent to try such offence, then, notwithstanding anything contained in any other law in force in Mysore, the Magistrate trying the offence may pass any sentence authorised by that sub-section."

4. For sub-section (1) of section 6 of the said Act, the following sub-section shall be substituted, namely :— Amendment of section 6, Act VI of 1943

"(1) Any person authorised in this behalf by the Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Act has taken out a policy of insurance as required by this Act in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Act, or for the purpose of estimating the damage suffered by any property insured under this Act,—

(*a*) require the owner or occupier of the property, or any person carrying on in Mysore the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary."

5. For section 7 of the said Act, the following shall be substituted, namely :— Substitution of a new section for section 7, Act VI of 1943.

"7(1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount, required by this Act, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the War Risks (Factories) Insurance Scheme operated by the Government of India, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue and shall

be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Government, whose decision shall be final."

6. (1) Section 11 of the said Act shall be renumbered as sub-section (1) of that section and in the section as so renumbered, for the words beginning with "from the provisions of section 5" and ending with the end of the section, the following words shall be substituted, namely:—

"from the provisions of this Act requiring such factories or premises to be insured or to continue to be insured under this Act: but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect."

(2) To the said section as so renumbered by the foregoing sub-section, the following sub-section shall be added, namely:—

"(2) In granting any exemption under this section, the Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification."

N. MADHAVA RAO,
Dewan.

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